

two assisted Families residing in a Shared Housing unit.

Shared housing. As defined in Part 813 of this chapter. Shared Housing must meet the housing quality standards in § 882.109(q).

Sharing family. In Related Lease Shared Housing, one of the two Families assisted under the HAP Contract.

§ 882.305 Types of shared housing and applicable requirements.

(a) *Shared Housing types.* There are two types of Shared Housing authorized under this subpart C: Individual Lease Shared Housing and Related Lease Shared Housing. Sections 882.310 through 882.330 govern both types of Shared Housing. Section 882.335 contains special requirements for Related Lease Shared Housing.

(b) *Applicable requirements.* Except as modified by this subpart C, the requirements of subpart A and B of this part apply to Shared Housing.

§ 882.310 PHA administration of shared housing.

(a) *PHA election.* A PHA is not required to permit use of Shared Housing in its Section 8 Certificate program. If the PHA decides to permit Shared Housing, it may elect to permit use of Individual Lease Shared Housing or Related Lease Shared Housing, or both. At any time, a PHA may change a decision to include Shared Housing in its program, or change the type(s) of Shared Housing included in its program. However, the PHA must continue to administer, in accordance with applicable requirements, any Shared Housing Contracts that it has executed.

(b) *Administrative plan.* (1) If the PHA decides to permit Shared Housing in its program, or to change or discontinue Shared Housing, it must submit an amendment to its administrative plan for HUD approval.

(2) The administrative plan must state the type(s) of Shared Housing included in the PHA's program and the PHA's policies for operating Shared Housing. The plan may contain policies providing for special treatment in the issuance and use of Certificates to facilitate, in the case of Related Lease Shared Housing, the initial pairing of

Families for assistance or the replacement of a Shared Family that has left the unit (see § 882.335(a)). The plan may not contain policies providing for special treatment in the issuance and use of Certificates in Individual Lease Shared Housing. Except for restrictions on the initial use of Certificates in the case of Related Lease Shared Housing (see § 882.335(a)(2)(i)), the plan may not set aside Certificates for, or otherwise restrict the use of Certificates to, Shared Housing.

(The information collection requirements contained in paragraph (b) have been approved by the Office of Management and Budget under control number 2502-0123)

§ 882.315 Occupancy of a shared housing unit.

(a) *Who may share a unit.* (1) Persons who are not assisted under the Section 8 Certificate program may reside in a Shared Housing unit.

(2) Except for a one-bedroom unit, an Owner of a Shared Housing unit may reside in the unit, and a resident Owner may enter into a Contract with the PHA. However, housing assistance may not be provided on behalf of the Owner. An assisted person may not be related to a resident Owner.

(3) One or more Families assisted under Individual Lease Shared Housing may reside in a Shared Housing unit, if the unit meets the housing quality standards contained in § 882.109(q).

(4) Only two Families may be assisted in a unit under Related Lease Shared Housing.

(5) A PHA may not execute Contracts for Individual Lease Shared Housing and for Related Lease Shared Housing with respect to the same unit.

(b) *Size of unit and Family space.* (1) The number of bedrooms in the Private Space of an assisted Family initially must be the same as the number stated on the Family's Certificate, except in the case of two individuals sharing a one bedroom unit. The PHA may not approve a Lease or execute a Contract for Shared Housing unless the unit, and the portion of the unit available for use by the assisted Family under its Lease, meet the housing quality standards under § 882.109.

(2) Residents of the unit may share its Common Space. However, persons

other than members of the assisted Family may not use the Family's Private Space.

(3) The PHA must issue a participant Family a new Certificate, assist the Family in locating another unit, and terminate the Contract in accordance with its terms, if the portion of the unit available for use by the assisted Family under its Lease, is not Decent, Safe, and Sanitary because of an increase in Family size, or a change in Family composition after PHA approval of the Lease.

(4) The PHA must issue a participant Family a new Certificate, assist the Family in locating another unit, and terminate the Contract in accordance with its terms, if all of the following apply:

(i) The number of bedrooms in the Family's Private Space is larger than appropriate under the Occupancy Standards in effect when the PHA approved the Lease (or the current Occupancy Standards, if higher). (The PHA must notify the family that exceptions to the Occupancy Standards may be granted and of the circumstances in which the PHA will grant an exception.);

(ii) The current Fair Market Rent (or higher rent approved by the PHA in accordance with § 882.106(a) (3) or (4)) for a unit with the number of bedrooms appropriate for the Family under the Occupancy Standards in effect when the PHA approved the Lease (or the current Occupancy Standards, if higher), is less than the Family's Gross Rent; and

(iii) An acceptable unit is found that is available for the Family's occupancy.

(5) Sections 882.209(i) and 882.213 do not apply to Shared Housing.

[51 FR 21310, June 11, 1986, and 53 FR 4388, Feb. 16, 1988, as amended at 53 FR 4390, Feb. 16 1988; 53 FR 7734, Mar. 10, 1988]

§ 882.320 Initial contract rent.

(a) *General.* The maximum initial Gross Rent and Contract Rent for Shared Housing will be determined in accordance with § 882.106, as modified by this section.

(b) *Fair Market Rent limitation.* The PHA applies the Fair Market Rent lim-

itation in § 882.106(a) by not permitting the initial Gross Rent for a Family to exceed the Pro Rata Portion of the published Fair Market Rent or of a higher rent, as approved by the PHA in accordance with § 882.106(a), for the entire unit.

(c) *Rent reasonableness limitation.* The PHA applies the rent reasonableness limitation in § 882.106(b), by taking the following actions for determining rent under each Shared Housing Contract:

(1) Certifying that the Contract Rent for a Family does not exceed the Pro Rata Portion of a reasonable rent for the entire unit, as determined under the standards in § 882.106(b)(1)(i);

(2) Certifying that the Contract Rent for a Family does not exceed rents currently being charged by the Owner for comparable unassisted units; and

(3) Following the requirements of §§ 882.106 (b)(2) and (b)(3).

(d) [Reserved]

(e) *Proration.* For purposes of this section, the "Pro Rata Portion" is calculated by multiplying the amounts specified in paragraphs (b) and (c) of this section by a ratio derived by dividing the number of bedrooms in the Private Space available for occupancy by an assisted Family by the total number of bedrooms in the unit. For example, for an assisted Family entitled to occupy three bedrooms of a five-bedroom unit, the ratio would be $\frac{3}{5}$. In the special case of two individuals sharing a one-bedroom unit, the ratio for the assisted Family is $\frac{1}{2}$.

[51 FR 21310, June 11, 1986; 51 FR 29464, Aug. 18, 1986, and 53 FR 4388, Feb. 16, 1988, as amended at 53 FR 4390, Feb. 16, 1988; 53 FR 7734, Mar. 10, 1988]

§ 882.325 Contract rent adjustments.

The Contract Rent for a Family will be adjusted in accordance with § 882.108(a), using the annual adjustment factor for the rent for the entire unit. The adjustment may not result in an adjusted Contract Rent under a Shared Housing Contract that exceeds the rent reasonableness limitation applied in accordance with § 882.320(c) at the time of adjustment.